

REMARKS

This response is to the Office Action mailed on April 09, 2001 in the above-referenced case. Claims 1-20 are presented for examination. Claims 1-2, 6-7, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (US 5,983,218) hereinafter Syeda, in view of Torres et al. (US 5,897,635) hereinafter Torres. Claims 3-5, 8-10, 11-12, 13-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda, Torres, and further in view of Goetz et al. (US 5,956,729) hereinafter Goetz.

In response to the Office Letter applicant has carefully studied the prior art and the Examiner's rejections and statements. Applicant provides arguments and clear reasoning to show the patentable differences between applicant's claimed invention and that of the prior art as cited and applied by the Examiner. The Examiner's responses to applicant's arguments as provided in the previous amendment are simply not sufficient to overcome applicant's arguments, or to achieve the Prima Facie standard required in order to reject applicant's invention as claimed.

Regarding claim 16, the Examiner states that Syeda discloses accessing and rendering media from multimedia files in a data repository. The Examiner states that Syeda teaches that the multimedia database is designed so that a user can access the data by posing a query via interactive dialog between the WEB client and multimedia database to retrieve (or render) the desired data, col. 4, lines 4-30.

Applicant respectfully disagrees with the Examiner's interpretation of Syeda. The server which receives requests and retrieves data under Syeda is conducting interactive dialog to **retrieve** the desired data. It appears the

1 Examiner is substituting the meaning of retrieving for rendering. The Examiner clearly implies that retrieving data is the same as rendering data. This is simply not so. Syeda does not render the data in any way. It simply retrieves it from a database and passes it onto the web client. There is absolutely no “rendering” involved in the process taught in Syeda. Syeda’s interactive dialog referred to by the Examiner is for the purpose of clarifying the user’s search criteria, which is a completely different purpose from that of the interactive multimedia viewer as claimed. Therefore, applicant argues that it is difficult to determine how Syeda can be applied to applicant’s invention.

16 Further, applicant’s claim 16 specifically recites “In a Multimedia Communication Center environment which includes access to and rendering of multimedia files stored in a data repository, a method for assembling an Interactive Multimedia Application (IMA)”. The examiner’s piecemeal approach to examining applicant’s claim is simply not appropriate. Applicant’s claim must be examined as a whole, in context, taking into consideration the intended purpose and in light of the specification which supports the claim. Applicant’s claim recites accessing and rendering (which means not only accessing as in Syeda, but manipulating, changing, or processing the data in some manner) media from multimedia files in a data repository as a method step for assembling an IMA in a multimedia Communication Center environment. Syeda column 4 lines 2 and 3 states “ the focus of this disclosure and the appended claims is on the design of multimedia databases.” Syeda simply does not teach a method for assembling a Interactive Multimedia Application (IMA) as claimed. When the Examiner examines only small portions of applicant’s claim language completely out of context the Examiner fails to perform the due diligence deserved by the applicant, and required in the examination process.

The Examiner states that Syeda teaches limiting access to preselected media files. The Examiner states that Syeda teaches that the search engine checks

the consistency among the retrieved information to eliminate duplicate information. The Examiner simply asserts his own opinion that the duplicate information shows that the information is preselected and eliminating this information reads on limiting access to preselected media files as claimed (col. 6, lines 52-55; col. 7, lines 60-67).

Applicant strongly argues that in the teaching of Syeda it is possible for the same information, i.e. picture, to be returned from multiple databases. Because it would be undesirable to return the same picture 18 times to the user (using up valuable bandwidth and memory etc.) Syeda only returns a single copy of that picture, therefore eliminating the duplicates. Applicant argues that eliminating duplicate information does not in any way suggest that preselected information is restricted. **Syeda does not restrict access to any information since it always returns at least one copy of the information it retrieves.**

Again applicant argues that applicant's claim as recited in context states; "selecting software modules providing functionality for an Interactive Multimedia Application, including at least one selectable Interactive Multimedia Viewer (IMV) software module having a code set for accessing and rendering media code from multimedia files stored in a data repository and an editable layer allowing the programmer to program limitations limiting access by the IMV to preselected media files.

Applicant's specification discloses a step 245 of Fig. 11, teaching that database access module(s) (DAMs) are selected and inserted. As previously described with reference to Fig. 10, these modules will determine which and what portions of databases may be accessed, therefore limiting access to preselected media files. In an alternative embodiment these restrictions may also be a part of the editable layer of IMVs. Clearly Syeda fails to remotely teach applicant's patentable limitation of limiting access to preselected media files. Removing duplications, as disclosed in Syeda does not come close to applicant's recited

limitations as argued above.

The Examiner states that Syeda does not disclose the editing of the editable layer of at least one IMV and the joining of selected and edited modules to form the IMA. The Examiner relies on Torres to teach a customized user interface that allows a user to edit, update and manipulate the multimedia application information (col. 3, lines 9-23, Figs, 3-5). The Examiner states that Torres teaches joining the selected and edited modules to form the IMA (col. 3, lines 20-33, col. 4 lines 10-55. The Examiner also states that Torres discloses accessing and rendering media files from the repository.

Applicant argues that Torres deals with user and application information, distributing such information to applications requiring directory and enrollment information in a word Configuration information, not multimedia information as stated by the Examiner.

Torres does not teach that selected and edited modules are put together to form an IMA. Torres teaches that that the CUI contains a selection of manipulation methods predetermined and unchangeable that the user can use to access their own configuration information.

Torres specifically teaches; "The method of the present invention includes installing a customization user interface (CUI) on a computer system preferably having windowing capabilities. Upon installation, the CUI accesses a datafile in a previously installed or presently installed database program. The datafile will contain user and application information for central storage, manipulation, and use. The CUI is then invoked by a user or system administrator. The user or system administrator then selects from a set of procedures for modifying the datafile. The set of procedures available to the user or system administrator include at least an add procedure, a delete procedure, and an update procedure. Users can only perform the update procedure on their own record." (col. 4, lines 18-29)

The Examiner states that though both Syeda and Torres do not use the terms "the software modules" and "Interactive Multimedia Viewer" as claimed, it would have been obvious to one of ordinary skill in the art to have combined Syeda into Torres since the system of Syeda and Torres show the accessing and rendering of the multimedia files as well as editing and customizing the multimedia presentations, where the multimedia is from the repository, through the CUI for forming the Interactive Multimedia Application.

Applicant argues the word media or term media files is never used in Torres. Torres only deals with configuration information and, as such, would have no application in Syeda which does deal with media information. The use of Torres in Syeda would serve no function as the protocols are different and the purpose is different. There is therefore no motivation to combine. Torres deals with applications and the appropriate information to install and operate those applications, Syeda deals with media information at the server. Therefore, there is absolutely no suggestion to combine Syeda and Torres. Syeda is in no way concerned with the manipulation or viewing of the multimedia information it retrieves, it would make no sense to add in an editing feature described in Torres. Further, since the algorithms of Syeda do not reside on the user's machine, but rather on a server, and are used by that server to retrieve information, there would be no opportunity for the user/client in Syeda to make use of such an editing feature as disclosed in Torres.

Applicant believes claim 16 is patentable over the prior art. Applicant has showed through detailed argument that the Examiner has failed to show a prima facie case of obviousness. Syeda is not a reference that teaches any part of applicant's claimed invention. Claims 17-19 are patentable on their own merits, or at least as depended from a patentable claim.

Regarding claim 1, the Examiner states that the IMV recited in claim 1 is

disclosed in claim 16 and is therefore rejected under the same rational. As argued extensively on behalf of claim 16 above, the IMV software module including an editable layer allowing the programmer to program selective control of access by the IMV to the multimedia files, is certainly not taught or suggested in the art provided by the Examiner. Applicant believes that claim 1 is therefore patentable over the art of Syeda and Torres. Claims 2-5 are also patentable at least as depended from a patentable claim.

Regarding claim 6, the Examiner states that the claim is a programming application to perform the method disclosed in claim 16 and is rejected under the same rational. Applicant believes claim 6 is also patentable as argued on behalf of claim 16. Claims 7-10 are patentable at least as depended from a patentable claim.

Claim 11 is rejected under 103(a) as being unpatentable over Syeda, Torres and Goetz. The Examiner states that claim 11 is for a multimedia communication center which includes the limitations of claim 6, the storage system for recording multimedia file (rejected claim 20), and the access interface (Torres, col. 1, lines 39-48; col. 2, lines 5-34), therefore is rejected under the same rational applied to these claims. Applicant believes claim 11 is patentable as argued in detail on behalf of claim 16.


The unique architecture of creating or assembling an Interactive Multimedia Applications using software modules as building blocks for the IMA, wherein at least one of the software modules is a viewer which is editable to limit it's ability to access and render multimedia files from a multimedia database is a unique and patentable invention certainly not shown or suggested in the art provided by the Examiner. Applicant believes claim 11 is clearly patentable over the art provided by the Examiner. Claims 12-15 are also patentable on their own merits or at least as depended from a patentable claim.

As all of the claims standing for examination as amended have been shown to be patentable over the art of record, applicant respectfully requests reconsideration and that the present case be passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Version With Markings to Show Changes Made

Applicant herein provides no changes to the claims, or the specification, in the present Amendment. This section is provided only in the hope of avoiding the response being returned as non-compliant.

Respectfully Submitted,
Christopher Clemmett Macleod Beck et al.

by 
Donald R. Boys

Reg. No. 35,074

Donald R. Boys
Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457